S.B. CIVIL REVISION PETITION NO.235/2007

Mohd. Ayub and another.

vs.

M/s. Sunderam Finance Ltd.

Date : 29.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.U Ghani, for the petitioners.
Mr.BL Maheshwari, for the respondent.

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Heard learned counsel for the parties.

The award was passed against the petitioners on 9.6.2000 by which the Arbitrator awarded Rs.4,73,843/- along with interest @ 18% per annum. The High Court of Madras forwarded the copy of award and certificate of non-satisfaction of award to the Court of District Judge, Bhilwara on 7.3.2003. When recovery was sought from the petitioners, then the petitioners submitted an objection petition under Section 47 CPC wherein the petitioners challenged the award on the ground of territorial jurisdiction as well as on the ground of the illegality of award with the plea

that the award was passed by the Arbitrator after coming into force of the Arbitration and Conciliation Act, 1996 but the procedure was not followed. This objection petition was dismissed by the Executing Court vide order dated 13.5.2004.

Hence, this revision petition.

On the face of it, the objections were pre-decree matter only, therefore, could not have been entertained by the executing court. It is not a case of satisfaction of the award or inherent lack of jurisdiction of the arbitrator.

In this view of the matter, I do not find any merit in this revision petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya